**2000**
**(REV. 2000)**

**STATE OF HAWAII—DEPARTMENT OF TAXATION**

# INSTRUCTIONS FOR FORM N-20

## Partnership Return of Income

*(Section references are to the Internal Revenue Code (IRC) unless otherwise specified.)*

## Where To Get Tax Forms

Hawaii tax forms, instructions, and schedules may be obtained at any taxation district office or through the following:

**Website Address:**
www.state.hi.us/tax

**Forms and CD-ROM (nominal cost) by mail:**
(808) 587-7572
Toll-Free: 1-800-222-7572

**Forms by fax:**
On Oahu 587-7572
Outside Oahu (808) 678-0522 from your fax machine

## Changes You Should Note

- The format of Form N-20, Partnership Return of Income, has changed, effective for 1998 and later years. It is now a one-page return. For lines 1 through 9, enter the appropriate amounts from the Partnership's federal return. You are NOT required to attach a copy of the Partnership's federal return (Form 1065) to Form N-20. Writing "See attached federal return" on Form N-20 and attaching a copy of the partnership's Form 1065 is not acceptable.
- Effective for taxable years beginning after December 31, 1999, Act 148, Session Laws of Hawaii (SLH) 2000, amends sections 235-2.4 and 235-110.8, Hawaii Revised Statues (HRS), to allow partnership investors the flexibility of allocating the State low-income housing tax credit among its partners without regard to their proportionate interests in their partnership investment vehicle. Also, the the federal low-income housing tax credit no longer has to be claimed in order to claim the State low-income housing tax credit.
- Act 178, SLH 1999, and Act 297, SLH 2000, provide an exclusion from gross income, adjusted gross income, and taxable income for amounts received by an individual or a qualified high technology business as royalties and other income derived from patents, copyrights, and trade secrets owned by the individual or qualified high technology business and developed and arising out of a qualified high technology business. "Qualified high technology business" means a business conducting more than 50% of its activities in qualified research. "Qualified research" means: (1) the same as in IRC section 41(d); (2) the development and design of computer software using fourth generation or higher software development tools or native programming languages to design and construct unique and specific code to create applications and design databases for sale or license; (3) biotechnology; or (4) performing arts products.
- Act 178, SLH 1999, and Act 297, SLH 2000, provide that all income received from stock options from a qualified high technology business (including proceeds from the sale of stock received through the exercise of the stock option) by an employee, officer, or director, or investor who qualifies for the high technology business investment tax credit that would otherwise be taxed as ordinary income or as capital gains to those persons is exempt from taxation. "Qualified high technology business" means a business conducting more than 50% of its activities in qualified research. "Qualified research" means: (1) the same as in IRC section 41(d); (2) the development and design of computer software using fourth generation or higher software development tools or native programming languages to design and construct unique and specific code to create applications and design databases for sale or license; or (3) biotechnology.
- Act 178, SLH 1999, and Act 297, SLH 2000, provide for a nonrefundable high technology business investment tax credit equal to 10% of the investment made by the taxpayer in each qualified high technology business. The credit is subject to certain qualifications and limitations.
- Act 178, SLH 1999, and Act 297, SLH 2000, provide a refundable income tax credit for increasing research activities, equal to the federal credit, for increased research activities in the State.
- Act 184, SLH 2000, provides a tax credit of 50% of the amount contributed by a taxpayer to a fiduciary organization as matching funds to individual development accounts. If a deduction is taken under IRC section 170 (with respect to charitable contributions and gifts), no tax credit will be allowed for that portion of the contribution for which the deduction was taken. This credit is available for taxable years beginning after December 31, 1999, and before January 1, 2005.
- Act 195, SLH 2000, provides every taxpayer subject to Hawaii's income and transient accommodations taxes, a refundable hotel construction and remodeling income tax credit equal to 4% of the construction or renovation costs incurred during the taxable year for each qualified hotel facility located in Hawaii. The credit, however, cannot be claimed for construction or renovation costs for which another Hawaii credit was claimed for the taxable year.

## Purpose of Form

Form N-20 is used to report the income, deductions, credits, gains, and losses from the operation of a partnership. Form N-20 for 2000 is an information return for the calendar year 2000 or other fiscal year beginning in 2000.

### Who Must File

Every partnership, including limited liability companies treated as partnerships for federal income tax purposes, unless expressly exempted, shall, for its taxable year, make a return of income on Form N-20 stating specifically the items of gross income and allowable deductions, and such additional information as required below. The partnership return shall, include the income, deductions, and credits attributable everywhere together with the income, deductions, and credits attributable only to Hawaii. If the return is filed on behalf of a syndicate, pool, joint venture, or similar group which group was created on or after January 1, 1958, a copy of the agreement, together with all amendments thereto, should be attached to the return, if not already filed.

### When and Where to File

The return of a partnership must be filed on or before the 20th day of the 4th month following the close of the taxable year of the partnership, with the taxation district office in which the partnership has its principal place of business. **Note:** If the due date falls on a Saturday, Sunday, or legal State holiday, the return shall be due on the next succeeding day which is not a Saturday, Sunday, or legal State holiday. Where the partnership does not have a place of business in the State, the return shall be filed with the Department of Taxation, P.O. Box 3559, Honolulu, Hawaii 96811-3559.

**Private delivery services.** Hawaii has adopted the IRC provision to allow documents and payments delivered by a designated private delivery service to qualify for the "timely mailing treated as timely filing/paying rule." The Department of Taxation will conform to the IRS listing of designated private delivery service and type of delivery services qualifying for the "timely mailing treated as timely filing/paying rule." Timely filing of mail which does not bear the U.S. Post Office cancellation mark or the date recorded or marked by the designated delivery service will be determined by reference to other competent evidence.

**Extension of time to file.** If you need more time to file a partnership return, file Form N-100, Application for Automatic Extension of Time to File Hawaii Return for a Partnership, Trust, or REMIC, for an automatic 3-month extension. File Form N-100 by the regular due date of the partnership return. Federal Form 8736, Application for Automatic Extension of Time to File U.S. Return for a Partnership, REMIC, or for Certain Trusts, may be used in lieu of Form N-100. Federal Form 8736 must be completed using amounts for Hawaii income tax purposes. In the title area of the federal form, any reference to U.S. should be crossed off and replaced with Hawaii.

After you have filed Form N-100, if more time is needed to prepare the partnership return, file Form N-100A, Application for Additional Extension of Time to File Hawaii Return for a Partnership, Trust, or REMIC, for an additional extension of up to 3 months. To obtain this additional extension of time to file, you must show reasonable cause for the additional time that you are requesting. Form N-100A must be filed before the extended due date of the partnership return. Federal Form 8800, Application for Additional Extension of Time To File U.S. Return for a Partnership, REMIC, or for Certain Trusts, may be used in lieu of Form N-100A. A photocopy of federal Form 8800 will be accepted, however, 1) "Hawaii" must be written at the top of the form, 2) complete the form using amounts for Hawaii tax purposes, and 3) there must be an original signature of the applicant or duly authorized agent on the form.

**MAILING ADDRESSES**

OAHU DISTRICT OFFICE
P.O. Box 3559
Honolulu, Hawaii 96811-3559

MAUI DISTRICT OFFICE
P.O. Box 913
Wailuku, Hawaii 96793-0913

HAWAII DISTRICT OFFICE
P.O. Box 1377
Hilo, Hawaii 96721-1377

KAUAI DISTRICT OFFICE
P.O. Box 1688
Lihue, Hawaii 96766-5688

**DISTRICT OFFICE LOCATIONS**

OAHU DISTRICT OFFICE
830 Punchbowl Street
Honolulu, Hawaii 96813-5094
Telephone: (808) 587-6515 (Jan.-April 20)
(808) 587-4242
Toll-Free: 1-800-222-3229

MAUI DISTRICT OFFICE
State Office Building
54 S. High Street, #208
Wailuku, Hawaii 96793-2198
Telephone: (808) 984-8500

HAWAII DISTRICT OFFICE
State Office Building
75 Aupuni Street, #101
Hilo, Hawaii 96720-4245
Telephone: (808) 974-6321

KAUAI DISTRICT OFFICE
State Office Building
3060 Eiwa Street, #105
Lihue, Hawaii 96766-1889
Telephone: (808) 274-3456

## Rounding Off to Whole-Dollar Amounts

You may show the money items on the return and accompanying schedules as whole-dollar amounts. To do so, drop any amount less than 50 cents and increase any amount from 50 cents through 99 cents to the next higher dollar.

## Recordkeeping

The partnership records must be kept as long as they may be needed for the administration of any provision of the federal Internal Revenue Code. Usually, records that support an item of income, deduction, or credit on the partnership return must be kept for 3 years from the date the return is due or is filed, whichever is later. Keep records that verify the partnership's basis in property for as long as they are needed to figure the basis of the original or replacement property.

Copies of the filed partnership returns should also be kept as part of the partnership's records. They help in preparing future returns and in making computations when filing an amended return.

## Amended Return

If, after filing its return, the partnership becomes aware of any changes it must make to income, deductions, credits, etc., it should file an amended Form N-20 and an amended Schedule K-1 for each partner. Check the box on Form N-20 at Item D(4), page 1. Give a corrected Schedule K-1 (Form N-20) to each partner. Check the box at Item H(2) on each Schedule K-1 to indicate that it is an amended Schedule K-1.

## Information Returns

Every partnership must file information returns if it makes payments of rents, commissions, or other fixed or determinable income totaling $600 or more to any one person in the course of its trade or business during the calendar year. It must report interest payments if they total $10 or more.

Use Form N-196, Annual Summary and Transmittal of Hawaii Information Returns, to summarize and send information returns to your respective taxation district office. For more information about filing information returns and exceptions, see the instructions for Form N-196.

## Attachments

If you need more space on the forms or schedules, attach separate sheets. Use the same arrangement as the printed forms. **Show the totals on the printed forms.** Put the partnership's name and Federal Employer Identification Number on each sheet. Also, be sure that each separate sheet clearly indicates the line or section on the printed form to which the information relates.

To assist us in processing the return, please complete every applicable entry space on Form N-20. Do not attach statements and do not write "See attached" in lieu of completing the entry spaces on the form.

An entity that elects to be classified as a partnership by filing federal Form 8832 with the IRS shall attach a copy of that form to the entity's Form N-20 covering the first taxable year in which the entity carries on business in Hawaii, derives income from sources in Hawaii, or makes distributions that are received by a partner who is either a resident of Hawaii or carries on business in Hawaii and is subject to Hawaii income taxation.

## Definitions

**a. Partnership.** The term "partnership" includes a limited partnership, syndicate, group, pool, joint venture, or other unincorporated organization, through or by which any business, financial operation, or venture is carried on, and that is not, within the meaning of the federal Internal Revenue Code, a corporation, trust, estate, or sole proprietorship. If an organization more nearly resembles a corporation than a partnership or trust, it is considered an association taxed as a corporation.

Important factors in determining whether a partnership exists include:

1. The parties' conduct in carrying out the provisions of the partnership agreement;
2. The testimony of disinterested persons;
3. The relationship of the parties;
4. The abilities and contributions of each; and
5. The control each has over the partnership income and the purposes for which the income is used.

A joint undertaking merely to share expenses is not a partnership. Mere co-ownership of property that is maintained and leased or rented does not constitute a partnership. However, if the co-owners provide services to the tenants, a partnership exists.

Some partnerships **may be** excluded completely or partially for being treated as partnerships for federal income tax purposes upon the election of all of the members. See **Specific Instructions** below for more information.

**b. General Partner.** A general partner is a member of the organization who is personally liable for the obligations of the partnership.

**c. Limited Partner.** A limited partner is one whose potential personal liability for partnership debts is limited to the amount of money or other property that the partner contributed or is required to contribute to the partnership.

**d. Limited Partnership.** A limited partnership is a partnership composed of at least one general partner and one or more limited partners.

**e. Nonrecourse Loan.** Nonrecourse loans are those liabilities of the partnership for which none of the partners have any personal liability.

**f. Limited Liability Company.** A limited liability company (LLC) is an entity formed under state law by filing articles of organization as an LLC. Unlike a partnership, none of the members of an LLC are personally liable for its debts. An LLC may be classified for federal income tax purposes either as a partnership or a corporation, depending on whether it has the corporate characteristics of centralization of management, continuity of life, free transferability of interests, and limited liability. To be classified as a partnership, it may have no more than two of these characteristics. Similar rules apply to a limited liability company formed under the laws of a foreign country. Act 92, SLH 1996, allows LLCs to operate beginning April 1, 1997, following proper approval from the Department of Commerce and Consumer Affairs (DCCA), Business Registration Division. Hawaii conforms to the federal standards in determining whether an LLC is classified as either a partnership or a corporation following proper approval by the DCCA.

## Instructions for Federal Form 1065 — Use of

In an effort to streamline Hawaii's partnership return instructions, the discussion of certain topics already discussed in the federal instructions for Form 1065, U. S. Partnership Return of Income, will not be repeated. Please refer to the federal instructions for discussions on the following topics which Hawaii conforms to:

- ***Termination of the Partnership;***
- ***Accounting Methods;***
- ***Accounting Periods;***
- ***Separately Stated Items;***
- ***Elections Made by the Partnership;***
- ***Elections Made by Each Partner;***
- ***Partner's Dealings With Partnership;***
- ***Contributions to the Partnership;***
- ***Dispositions of Contributed Property;***
- ***Recognition of Precontribution Gain on Certain Partnership Distributions;***
- ***Unrealized Receivables and Inventory Items; and***
- ***Passive Activity Limitations.***

## Net Operating Loss Deduction

A partnership is not allowed the deduction for net operating losses. (See section 703(a)(2)(E).)

# Signatures

## General Partner or Limited Liability Company Member

Form N-20 is not considered a return unless it is signed. One general partner or limited liability company member must sign the return. If a receiver, trustee in bankruptcy, or assignee controls the organization's property or business, that person must sign the return.

### Paid Preparer's Information

If someone prepares the return and **does not charge the partnership,** that person should not sign the partnership return.

Generally, anyone who is paid to prepare the partnership return must sign the return and fill in the other blanks in the **Paid Preparer's Information** area of the return. Individual preparers may furnish their alternative identifying number for income tax return preparers (PTIN) instead of their social security number.

*The preparer required to sign the partnership's return MUST complete the required preparer information and;*

- Sign it, by hand, in the space provided for the preparer's signature. (Signature stamps or labels are not acceptable.)
- Give the partnership a copy of the return in addition to the copy to be filed with your taxation district office.

## Specific Instructions

These instructions follow the line numbers on the first page of Form N-20 and on the schedules that accompany it. Specific instructions for most of the lines have been provided. Those lines that do not appear in the instructions are self-explanatory.

File only one return for each partnership. Mark "duplicate copy" on any copy you give to a partner.

If a syndicate, pool, joint venture, or similar group files Form N-20, a copy of the agreement and all amendments must be attached to the return, unless a copy has already been filed. Under section 761(a), an investing unincorporated organization or one participating in the joint production, extraction, or use of property under an operating agreement or an organization of dealers in securities for a short period for the purpose of underwriting, selling, or distributing a particular issue of securities may elect not to be treated as a partnership. Make the election by attaching a statement to Form N-20 for the first year for which the partnership wants the exclusion.

Fill in applicable lines and schedules.

## Form N-20

### Name, Address, Hawaii G.E./Use Identification Number and Federal Employer I.D. Number

The partnership may use its legal or trade name on all tax returns and other documents filed. Print or type the partnership's legal name and address on the appropriate line. Show the Hawaii G.E./Use Identification Number in item B and the Federal Employer I.D. Number in item A on page 1 of Form N-20.

### Lines 1 - 9

Enter on lines 1 through 9 the requested amounts as they appear on the Partnership's federal return.

You are NOT required to attach a copy of the Partnership's federal return (Form 1065) to Form N-20.

**If this is a return of a partnership with trade or business activities in several states, including Hawaii, and the ordinary income or loss from trade or business activities reported on this return is determined using separate accounting, attach a schedule of the Partnership's Hawaii trade or business activities income and expenses. Enter on lines 1 through 9 applicable amounts from this schedule instead of from the Partnership's federal return.**

### Line 11a

List deductions taken for federal tax purposes but not allowed, or allowable only in part, for Hawaii tax purposes. For example, deduction connected with income not taxable for Hawaii purposes.

### Line 11b

**Caution:** *Include only ordinary gains or losses from the sale, exchanges, or involuntary conversion of assets used in a trade or business activity. Ordinary gains or losses from the sale, exchange, or involuntary conversion of rental activity assets will be reported separately on Schedules K and K-1, generally, as a part of the net income (loss) from the rental activity. If the partner does not materially participate in the trade or business, the gains or losses reported on line 11b will be subject to the passive activity rules.*

### Line 11c

Enter the portion of the Hawaii jobs credit claimed, applicable to current year new employees that is reported on Schedule K line 17.

## Schedule D

### Capital Gains and Losses

**Purpose of Schedule.—**Use Schedule D (Form N-20) to report the sale or exchange of capital assets, except capital gains (losses) that are specially allocated to any partners.

For detailed information, see the instructions on Schedule D (Form N-20).

## Schedule K and Schedule K-1

### Partners' Share of Income, Credits, Deductions, etc.

#### Purpose

Schedule K is a summary schedule of all the partners' shares of the partnership's income, deductions, credits, etc. Prepare Schedule K-1 in triplicate. A copy of each partner's K-1 must be attached to the Form N-20 filed with your taxation district office, one copy to be sent to each partner, and one copy retained for the partnership's files.

Although the partnership is not subject to income tax, the members are liable for income tax on their shares of the partnership income, whether or not distributed, and must include their share on their tax returns.

The total amount of the distributive share items (columns b and c) reported on each line on all of the partners' Schedules K-1 should equal the amount reported on the same line of Schedule K of Form N-20.

Complete Schedule K-1 for each partner. Schedules K and K-1 have the same line numbers to make it easier for the partnership to prepare Schedule K-1. In addition, Schedule K-1 has questions A through H and item I. Additional copies of Schedule K-1 are available from your taxation district office.

#### Attributable to Hawaii

Each partnership must state specifically the income attributable to the State and the income attributable everywhere with respect to each partner.

Ordinary income or (loss) from trade or business activities shall be attributed to the State by the use of the apportionment of business income allocation provisions of the Uniform Division of Income for Tax Purposes Act (UDITPA), section 235-29, HRS. Business income shall be apportioned to this State by multiplying the income by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three. The property factor is a fraction, the numerator of which is the average value of the partnership's real and tangible personal property owned or rented and used in this State during the tax period and the denominator of which is the average value of all the partnership's real and tangible personal property owned or rented and used during the tax period. Property owned by the partnership is valued at its original cost. Property rented by the partnership is valued (or capitalized) at eight times the net annual rental rate. The average value of property shall be determined by averaging the values at the beginning and ending of the tax period. The use of monthly values may be required if necessary to properly reflect the average value of the partnership's property. The payroll factor is a fraction, the numerator of which is the total amount paid in this State during the tax period by the partnership for compensation, and the denominator of which is the total compensation paid everywhere during the tax period. The sales (or gross receipts) factor is a fraction, the numerator of which is the total sales of the partnership in this State during the tax period, and the denominator of which is the total sales of the partnership everywhere during the tax period.

If this apportionment does not fairly represent the extent of the partnership's business activity in this State, the partnership may request the use of separate accounting, the exclusion of one or more of the factors, the inclusion of one or more additional factors, or the use of any other method to accurately reflect the partnership's business activity in the State. Complete the Schedules O and P Worksheet on page 6 of these instructions to show this computation.

Other items are attributed as follows:

- Net rents and royalties from real property located in Hawaii are attributed to Hawaii. Federal Form 8825 may be attached to Form N-20 as a schedule of expenses.
- Net rents and royalties from tangible personal property are attributed to Hawaii if and to the extent that the property is utilized in Hawaii.
- Capital gains and losses from sale of real property located in Hawaii are attributed to Hawaii.
- Capital gains and losses from sales of tangible personal property are attributable to Hawaii if the property had a situs in Hawaii at the time of the sale.
- Interest and dividends are attributed to Hawaii if the partnership's commercial domicile is in Hawaii.
- Patent and copyright royalties are attributed to Hawaii if and to the extent that the patent or copyright is utilized by the payor in Hawaii.

#### How Income Is Shared Among Partners

Income (loss) is allocated to a partner only for the part of the year in which that person is a member of the partnership. The partnership will either allocate on a daily basis or divide the partnership year into segments and allocate income, loss, or special items in each segment among the persons who were partners during that segment. (See section 706(c)(2) for more information and for the termination of a partner's interest.)

Allocate shares of income, gain, loss, deduction, or credit among the partners according to the partnership agreement for sharing income or loss generally. If the partners agree, specific items may be allocated among them in a ratio different from the ratio for sharing income or loss generally. For instance, if the net income exclusive of specially allocated items is divided evenly among three partners but some special items are allocated 50% to one, 30% to another, and 20% to the third partner, report the special items on the appropriate line of the applicable partner's Schedule K-1 and the total on the appropriate line of Schedule K instead of on the numbered lines on page 1 of Form N-20 or Schedule D.

If the partnership agreement does not provide for the partner's share of income, gain, loss, deduction, or credit, or if the allocation under the agreement does not have the substantial economic effect, the partner's share is determined according to the partner's interest in the partnership. (See section 704(b).)

# Specific Instructions

## (Schedule K only)

Enter the total distributive amount for each applicable items listed.

## (Schedule K-1 only)

Prepare and give a Schedule K-1 to each person who was a partner in the partnership at any time during the year. **Schedule K-1 must be provided to each partner on or before the day on which the partnership return is required to be filed.**

**Note:** *Generally, any person who holds an interest in a partnership as a nominee for another person is required to furnish to the partnership the name, address, etc., of the other person.*

On each Schedule K-1, enter the names, addresses, and identifying numbers of the partner and partnership and the partner's distributive share of each item.

For an individual partner, enter the partner's social security number. For all other partners, enter the partner's Federal Employer Identification Number. (However, if a partner is an individual retirement arrangement (IRA), enter the identifying number of the custodian of the IRA. Do not enter the social security number of the person for whom the IRA is maintained.)

If a husband and wife each had an interest in the partnership, prepare a separate Schedule K-1 for each of them. If a husband and wife held an interest together, prepare one Schedule K-1 if the two of them are considered to be one partner.

**Note:** *Space has been provided after line 23 of Schedule K-1 for you to provide information to the partners. This space may be used in lieu of attachments.*

**Question A.—Is This Partner a General Partner?**

Question A must be answered for all partners. If a partner holds interests as both a general and limited partner, attach a schedule for each activity which shows the amounts allocable to the partner's interest as a limited partner.

**Item B.—Partner's Share of Liabilities.**

Enter each partner's share of nonrecourse liabilities, partnership-level qualified nonrecourse financing, and other liabilities. If the partner terminated his or her interest in the partnership during the year, enter the share that existed immediately before the total disposition. In all other cases, enter it as of the end of the year.

If the partnership is engaged in two or more different types of "at-risk" activities, or a combination of "at-risk" activities and any other activity, attach a statement showing the partner's share of nonrecourse liabilities, partnership-level qualified nonrecourse financing, and other liabilities for **each** activity. See sections 465(c)(2) and (3) to determine if the partnership is engaged in more than one "at-risk" activity.

If a partnership is engaged in an activity subject to the limitations of section 465(c)(1), give each partner his or her share of the total pre-1976 losses from the section 465(c)(1) activity (i.e., film or video tape, section 1245 property leasing, farm, or oil and gas property) for which there existed a corresponding amount of nonrecourse liability at the end of each year in which the losses occurred.

**Question C.—What Type of Entity Is This Partner?** State on this line whether the partner is an individual, a corporation, a fiduciary, a partnership, an exempt organization, or a nominee (custodian). If the partner is a nominee, indicate the type of entity the nominee represents: I—Individual; C—Corporation; F—Fiduciary; P—Partnership; E—Exempt Organization; or IRA—Individual Retirement Arrangement.

**Item D.—Partner's Profit, Loss, and Capital Sharing Percentages.** Enter in item D(ii) the percentage existing at the end of the year. However, if a partner's interest terminated during the year, enter in item D(i) the percentages that existed immediately before the termination. When the profit or loss sharing percentage has changed during the year, show the percentage before the change in item D(i) and the end of year percentage in item D(ii). If there are multiple changes in the profit and loss sharing percentage during the year, attach a statement giving the date and percentage before each change. "Ownership of capital" means the portion of the capital that the partner would receive if the partnership was liquidated at year end by the distribution of undivided interests in partnership assets and liabilities.

**Items F and G.—Federal Tax Shelter Registration Information.** If the partnership is a registration-required tax shelter, it must enter its Federal Tax Shelter Registration Number in Item F and identify the type of tax shelter in the space provided in Item G. If the partnership invested in a registration-required tax shelter, the partnership must also attach a copy of federal Form 8271 to Schedule K-1. See federal Form 8271 for a list of the types of tax shelters and for more information.

**Item I.—Reconciliation of Partner's Capital Account.** If you are not required to complete Item J on Schedule K-1 (Form 1065), you are not required to complete Item I on Schedule K-1 (Form N-20).

**Note:** *The partnership must maintain a State Accumulated Adjustments Account.*

## (Schedules K and K-1 unless otherwise noted)

## Income (loss)

## Line 1

Enter the partner's share of the ordinary income (loss) reported on Form N-20, line 16. If line 16 is a loss, enter the partner's full share of the loss. If the partner holds interests in the partnership both as a general partner and as a limited partner, enter the total loss for all interests held in the partnership. Enter the loss without reference to the adjusted basis of the partner's interest in the partnership or the partner's amount at risk. Line 1 should reflect the total ordinary income (loss) from all trade or business operations.

## Line 5

Enter: (1) the guaranteed payments to partners for salaries and interest deducted by the partnership and reported on Form N-20, line 10; and (2) the guaranteed payments to partners that the partnership is required to capitalize, such as payments or credits to a partner for services rendered in organizing a partnership.

## Line 6

Give each partner a schedule that separately shows each partner's share of the amount to be reported on federal Form 4684, Casualties and Thefts.

## Line 7

Enter any other items of income, gain, or loss not included on lines 1 through 6, such as:

a. Gains from the disposition of farm recapture property (see Schedule D-1) and other items to which section 1252 apply.

b. Recoveries of bad debts, prior taxes, and delinquency amounts (section 111).

**c.** Gains and losses from wagering (section 165(d)).

**d.** Any income, gain, or loss to the partnership under section 751(b).

## Deductions

## Line 8

Enter the total amount of charitable contributions, and each amount subject to the 50%, 30%, and 20% limitations paid by the partnership during the tax year. Attach an itemized list that separately shows the partnership's charitable contributions subject to the 50%, 30%, and 20% limitations.

If the partnership made a qualified conservation contribution under section 170(h), also include the fair market value of the underlying property before and after the donation, the type of legal interest contributed, and describe the conservation purpose furthered by the donation. Give a copy of this information to each partner.

## Line 9

A partnership may elect to expense part of the cost (up to $20,000) of recovery property that the partnership purchased this year for use in its trade or business. The partnership may not deduct the section 179 expense, but should report the expense separately on Schedules K and K-1. The partners report their shares in the year in which the property is placed in service. Show the total section 179 expense on Schedule K, line 9, and allocate it to each partner on Schedule K-1, line 9.

The partnership must specify the item(s) of section 179 property which it elects to treat as an expense and the portion of the cost of each item which is being treated as an expense. Do this on federal Form 4562, Depreciation and Amortization, and on a schedule attached to Schedule K-1. Generally, any election made under section 179 may not be revoked except with the consent of the Director.

Depreciation or amortization may **not** be taken on any amount for which a deduction is allowed under section 179.

See section 179 and federal Form 4562 for more information.

### Line 11

Enter any other deductions not included on line 8 through 10, such as:

**a.** Amounts, other than investment interest, paid by the partnership that would be itemized deductions on any of the partners' income tax returns if they were paid directly by a partner for the same purpose. These amounts include, but are not limited to expenses under section 212 for the production of income other than from the partnership's trade or business.

**b.** Any interest penalty on early withdrawal of savings. The federal Form 1099-INT given to the partnership by a bank or savings and loan association will show the amount of any interest penalty the partnership was charged because it withdrew funds from its time savings deposit before its maturity.

**c.** Soil and water conservation expenditures (section 175).

**d.** Deduction and recapture of certain mining exploration expenditures paid or incurred (section 617).

**e.** Intangible drilling costs.

## Credits

### Line 12
### Energy Conservation Tax Credit

On Schedule K enter the tax credit for solar or wind energy devices, heat pumps and ice storage systems computed by the partnership. This credit is computed at the partnership level. It is apportioned among the partners according to their interest in the partnership. On Schedule K-1 enter each partner's share of the credit. See Form N-157A, Information Statement Concerning Credit for Energy Conservation, for additional information.

The partnership is to prepare a separate Form N-157A for each partner.

### Line 13
### Total Cost of Qualifying Property for the Capital Goods Excise Tax Credit

A Capital Goods Excise Tax Credit is available for tangible personal property purchased and used in a trade or business in Hawaii. The amount of the tax credit allowable is 4% of the cost of the qualified tangible property. The tax credit is applied against a taxpayer's net income tax liability and if the tax credit exceeds the amount of the tax liability, the excess will be refunded to the taxpayer. See Form N-312A, Information Statement Concerning the Capital Goods Excise Tax Credit, for additional information.

The partnership is to prepare a separate Form N-312A for each partner.

### Line 14
### Fuel Tax Credit for Commercial Fishers

Enter the fuel tax credit for commercial fishers as determined by Form N-163A, Information Statement Concerning Fuel Tax Credit for Commercial Fishers.

The partnership is to prepare a separate Form N-163A for each partner.

### Line 15
### Enterprise Zone Tax Credit

A qualified enterprise zone business is eligible to claim a credit for a percentage of taxes due the State attributable to the conduct of business within a zone and a percentage of the amount of unemployment insurance premiums paid based on the payroll of employees employed at the business firm establishments in the zone. The applicable percentage is 80% the first year; 70% the second year; 60% the third year; 50% the fourth year; 40% the fifth year; 30% the sixth year; and 20% the seventh year. This credit is not refundable and any unused credit may NOT be carried forward.

The partnership is to prepare a separate Form N-756A, Information Statement Concerning the Enterprise Zone Tax Credit, for each partner.

### Line 16
### Low-Income Housing Tax Credit

Hawaii's low-income housing tax credit is equal to 30% of the tax credit allocated by the Housing and Community Develpment Corporation of Hawaii (HCDCH) for qualified buildings located in the State of Hawaii. Contact the HCDCH for qualifying requirements and further information.

Effective for taxable years beginning after December 31, 1999, a partnership can allocate the State low-income housing tax credit among its partners without regard to their proportionate interests in their partnership investment vehicle. Also, the the federal low-income housing tax credit no longer has to be claimed in order to claim the State low-income housing tax credit.

Attach Form N-586, Tax Credit for Low-Income Housing, to the partnership return.

### Line 17
### Credit for Employment of Vocational Rehabilitation Referrals

The amount of the tax credit for the taxable year shall be equal to 20 percent of the qualified first-year wages for that year. The amount of the qualified first-year wages which may be taken into account with respect to any individual shall not exceed $6,000.

The credit is computed at the partnership level and then allocated to each of the partners.

Refer to Form N-884 for further information.

### Lines 18a and 18b
### Total Production Costs and Total Transient Accommodations Costs Qualifying for the Motion Picture and Film Production Income Tax Credit

A tax credit comprised of two parts: 1) an amount up to 4% of the costs incurred in the State in the production of motion picture or television films, plus 2) an amount up to 7.25% of the transient accommodations costs incurred in the State in the production of motion picture or television films, is available to taxpayers subject to the imposition of Hawaii's income tax and is deductible from the taxpayer's net income tax liability.

In the case of a partnership, the tax credit allowable is for production costs incurred by the partnership for the taxable year. The costs upon which the tax credit is computed is determined at the partnership level. Based on the costs allocated to them by the partnership, partners will use Form N-316 to compute the amount of the tax credit they each can claim.

The partnership is to prepare a separate Form N-316A, Information Statement Concerning the Motion Picture and Film Production Income Tax Credit, for each partner.

### Line 19
### Tax Credits for High Technology

**Line 19a. High Technology Business Investment Tax Credit.**—The tax credit is 10% of the investment made by the taxpayer in each qualified high technology business, up to a maximum allowed credit of $500,000 for the taxable year for the investment made by the taxpayer in a qualified high technology business.

The credit is computed at the partnership level and then allocated to each of the partners. For more information, see Form N-318, Tax Credits for High Technology.

Attach Form N-318 to the partnership return.

**Line 19b. Tax Credit for Increasing Research Activities.**—A tax credit for increased research activites equal to the federal credit for research activities under section 41 is available for taxable years beginning after December 31, 1999, and before Janauary 1, 2006.

The credit is computed at the partnership level and then allocated to each of the partners. For more information, see Form N-318, Tax Credits for High Technology.

Attach Form N-318 to the partnership return.

### Line 20
### Total Construction or Renovation Costs Qualifying for the Hotel Construction and Remodeling Tax Credit

Taxpayers subject to Hawaii's income and transient accommodations taxes can claim a tax credit of 4% of the construction or renovation costs incurred during the taxable year for each qualified hotel facility located in Hawaii for taxable years beginning after December 31, 1998, and before January 1, 2003.

In the case of a partnership, the tax credit allowable is for construction or renovation costs incurred b the partnership for the taxable year. The cost upon which the tax credit is computed is determined at the partnership level. Based on the the qualifying construction and renovation costs allocated to them by the partnership, partners will use Form N-314 to compute the amount of the tax credit they each can claim.

### Line 21
### Individual Development Account Contribution Tax Credit

For taxable years beginning after December 31, 1999, and before January 1, 2005, a taxpayer can claim a tax credit of 50% of the amount contributed to a fiduciary organization as matching funds to individual development accounts. If a deduction is taken under section 170 (with respect to charitable contributions and gifts), no tax credit will be allowed for that portion of the contribution for which the deduction was taken.

The credit is computed at the partnership level and then allocated to each of the partners. For more information, see Form N-320.

Attach Form N-320 to the partnership return.

## Investment Interest

### Line 22

Lines 22a-22b(2) must be completed whether or not a partner is subject to the investment interest rules.

**Line 22a. Investment Interest Expense.**—Include on this line interest paid or accrued to purchase or carry property held for investment. Property held for investment includes property that produces portfolio income (interest, dividends, annuities, royalties, etc.). Therefore, interest expense allocable to portfolio income should be reported on line 22a of Schedule K-1 (rather than line 10 of Schedule K-1).

Property held for investment includes a partner's interest in a trade or business activity that is not a passive activity to the partner and in which the partner does not materially participate. An example would be a partner's working interest in oil and gas property (i.e., the partner's interest is not limited) if the partner does not materially participate in the oil and gas activity.

Investment interest does not include interest expense allocable to a passive activity.

The amount on line 22a will be deducted (after applying the investment interest expense limitations of section 163(d)) by individual partners on their Form N-11, N-12, or N-15.

**Lines 22b(1) and 22b(2). Investment Income and Expenses.**—Enter on line 22b(1) only the investment income included on line 4 of Schedule K-1. Enter on line 22b(2) only the investment expense included on line 10 of Schedule K-1.

If there are items of investment income or expense included in the amounts that are required to be passed through separately to the partner on Schedule K-1 (items other than the amounts included on lines 4 and 10 of Schedule K-1), give each partner a schedule identifying these amounts.

Investment income includes gross income from property held for investment, gain attributable to the disposition of property held for investment, and other amounts that are gross portfolio income. Investment income and investment expenses do not include any income or expenses from a passive activity.

Property subject to a net lease is not treated as investment property because it is subject to the passive loss rules. Do not reduce investment income by losses from passive activities.

Investment expenses are deductible expenses (other than interest) directly connected with the production of investment income.

## Other

### Line 23

If applicable, include a schedule listing each partner's share of: (1) the total taxes withheld under the partnership's name and reported on Form N-288A, Statement of Withholding on Dispositions by Nonresident Persons of Hawaii Real Property Interests; (2) any refunds claimed by the partnership on Form N-288C, Application for Tentative Refund of Withholding on Dispositions by Nonresident Persons of Hawaii Real Property Interest; and (3) the net amount of taxes withheld.

## Analysis (Schedule K only)

### Lines 24a and 24b

For each type of partner shown, enter the portion of the amount shown on line 24a of Schedule K that was allocated to that type of partner. The sum of the amounts shown on line 24b must equal the amount shown on line 24a.

In classifying partners who are individuals as "active" or "passive," the partnership should apply the following rules:

**1.** If the partnership's principal activity is a trade or business activity, classify a general partner as "active" if the partner materially participated in all partnership trade or business activities; otherwise, classify a general partner as "passive."

**2.** If the partnership's principal activity consists of working interest in an oil or gas well, classify a partner holding a working interest in the oil or gas well through an entity that does not limit the partner's liability as "active;" otherwise, classify the partner as "passive."

3. If the partnership's principal activity is a rental real estate activity, classify a general partner as "active" if the partner actively participated in all of the partnership's rental real estate activities; otherwise, classify a general partner as "passive."

**4.** If the partnership's principal activity is a portfolio activity, classify all partners as "active."

**5.** Classify all limited partners and all partners in a partnership whose principal activity is a rental activity other than a rental real estate activity as "passive."

# Form N-20 — Schedules O and P Worksheet

*(Keep for your records. Do NOT file with Form N-20)*

## Schedule O — Apportionment of Income (See **Attributable to Hawaii** on page 3 of the Instructions)

| | | |
|---|---|---|
| 1 | Ordinary income (loss) from trade or business activities for Hawaii tax purposes (From Form N-20, page 1, line 16) | |
| 2 | Apportionment factor (From Schedule P, line 8 below) | % |
| 3 | Business income apportioned to Hawaii (line 1 multiplied by line 2) (To Form N-20, Schedule K, line 1, col. b) | |

## Schedule P — Computation of Apportionment Factors (See **Attributable to Hawaii** on page 3 of the Instructions)

| | In Hawaii | | Total Everywhere | |
|---|---|---|---|---|
| **Property — (use original cost)** | **Beginning of taxable year** | **End of taxable year** | **Beginning of taxable year** | **End of taxable year** |
| Land | | | | |
| Buildings | | | | |
| Inventories | | | | |
| Leasehold interests* | | | | |
| Rented Property* | | | | |
| Other Property | | | | |
| Total | | | | |

* *Enter net annual rent X 8.*

| | | A. In Hawaii | B. Everywhere | |
|---|---|---|---|---|
| 1 | Property values (average value of property above) | | | |
| 2 | Property factor (line 1, col. A divided by line 1, col. B) | | | % |
| 3 | Total compensation | | | |
| 4 | Payroll factor (line 3, col. A divided by line 3, col. B) | | | % |
| 5 | Total sales | | | |
| 6 | Sales factor (line 5, col. A divided by line 5, col. B) | | | % |
| 7 | Total of factors (add lines 2, 4, and 6) | | | % |
| 8 | Average of factors (divide line 7 by 3) (To Schedule O, line 2 above) | | | % |

9 Are the amounts shown on Form N-20, page 1, lines 4 through 7, and on Schedule P, column "B. Everywhere", lines 1, 3, and 5 above, the same as those reported in returns or reports to other states under the Uniform Division of Income for Tax Purposes Act? ☐ YES ☐ NO If "NO", please explain.______________________

**6.** If the partnership cannot make a reasonable determination as to whether or not a partner's participation in a trade or business activity is material or whether or not a partner's participation in a rental real estate activity is active, classify the partner as "passive."

In applying the above rules, a partnership should classify each partner to the best of its knowledge and belief. It is assumed that in most cases the level of a particular partner's participation in an activity will be apparent.

## Schedules O and P Worksheet

**Apportionment of Income**
**Computation of Apportionment Factors**

If the partnership had ordinary income or (loss) from trade or business activities both within and without Hawaii, complete the worksheet on page 6 to determine the business income or (loss) apportioned to Hawaii. For more details, see the instructions for "Attributable to Hawaii" on page 3, under **Schedule K and Schedule K-1**.

Keep a copy of the Schedules O and P Worksheet for your records. Attaching a copy of this worksheet to Form N-20 is not required.

## Composite Returns for Nonresident Partners

At present, there are no statutory provisions that: (1) allow partnerships the option to file composite returns on behalf of their nonresident partners, and (2) grant the election to be taxed at the nonresident partners' own individual tax rates but with no standard deduction or personal exemption. However, the Department of Taxation will administratively allow partnerships to elect to file composite Hawaii nonresident income tax returns on behalf of participating partners, all of whom are nonresidents, and make composite payments for the participating partner's distributive share of Hawaii source income based on their own individual tax rate but with no standard deduction or personal exemption, provided the following conditions are met:

- The partner must be an individual.
- The partner's income from the partnership is the partner's only income from Hawaii sources. If a partner has other income from Hawaii sources such as multiple partnerships, even though the partnerships are related, a separate net income tax return must be filed by that partner.
- The partnership will obtain a Power-of-Attorney from each of its partners to permit the partnership to file an income tax return on the partners' behalf. A copy of each power of attorney is to be attached to the initial composite tax return filed by the partnership.
- The partnership, as an agent for the participating partners, shall pay tax, additions to tax, interest, and penalties otherwise required to be paid by the partners.
- The composite Hawaii Nonresident Individual Income Tax Return, Form N-15, shall be completed as follows:
  **1.** The first name on the return shall be "Partners of" and the last name is the partnership's name;
  **2.** The partnership's FEIN with a suffix "P" shall be used in place of the taxpayers' social security number;
  **3.** Indicate the partnership's mailing address as the taxpayers' address;
  **4.** Indicate the partnership's principal business activity in Hawaii as the taxpayers' occupation;
  **5.** Filing status will be single;
  **6.** Complete page 1, Col. B, lines 20 and 33;
  **7.** Deductions necessary to determine each partner's distributive share of the partnership income are allowed;
  **8.** Credits directly attributable to the partnership are allowed;
  **9.** Since worldwide source income of each nonresident partner is not required, itemized deductions calculated using the ratio of Hawaii adjusted gross income to Total adjusted gross income may not be claimed. Also, tax credits which are based on total adjusted gross income from all sources may not be claimed;
  **10.** Complete page 2 by:
    **a.** entering the amount from line 33 on lines 34, 38, and 40;
    **b.** determining the tax for each nonresident partner and enter the total on line 41; and
    **c.** completing lines 42 (note: on Schedule CR, skip line 1) and 43, lines 45 through 47, and lines 52 through 58 as appropriate.
- A schedule is attached to the return detailing each partner's:
  **1.** Name, address, social security number, and filing status;
  **2.** Distributive share of income or (loss);
  **3.** Allowable itemized deductions;
  **4.** Tax due computed on the taxable income of the individual partner; and
  **5.** Distributive share of credits.
- Nonresident partners who have made Hawaii estimated tax payments during the 2000 tax year and who are allowed to be included on the composite return may have those payments credited to the composite return. The partnership may claim these payments on Form N-15, line 45, by entering the total of the estimated tax payments along with "see attached schedule" in the amount column of line 45 and attaching a schedule of the estimated tax payments by stating each individual's:
  **1.** Name, address, and social security number, and
  **2.** Each type of estimated payment and amount of payment (e.g., N-1, 1st quarter - $200; N-1, 2nd quarter - $300; etc.) made by the individual.
- The election to file a composite Hawaii nonresident return may be revoked by the Department of Taxation upon failure of the partnership to comply with the terms and conditions of this election.

In making such an election, the partnership will not be required to obtain from the participating partners, income derived from non-entity sources and claims for non-entity deductions.